

(7) TRAINEE HANDOUTS

TRAINING FOR VSO LESSON SEVEN BURIAL BENEFITS AND DEATH CLAIMS

**PREREQUISITE
TRAINING**

Prior to this training you should have completed the lessons on Introduction to Development and Developing Original Live Compensation and Pension Claims

**PURPOSE OF
LESSON**

The purpose of this lesson is to present material so that at the completion of the lesson you will be able to:

1. Identify the different types of burial benefits.
2. Identify the forms and process for filing death claims.
3. Assist the claimant in applying for death benefits.

TIME REQUIRED

1.25 hour

**INSTRUCTIONAL
METHOD**

Lecture, participatory discussion and practical exercise

**MATERIALS/
TRAINING AIDS**

Classroom or private area where a discussion may be held. Chairs and writing surfaces are required.

Large writing surface such as—easel pad, chalkboard, dry erase board, overhead projector, etc., with appropriate markers, or computer with projection equipment and PowerPoint software.

- Unit PowerPoint presentation
- *Student Handouts*
- Each student should have a current copy of VA Form 21-530, VA Form 21-534 and VA Form 21-535. complete with instructions.

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MEMORIALIZATION BENEFITS

The Veterans Benefits Administration (VBA) provides for the memorialization of eligible veterans who were discharged under honorable conditions. It provides:

PRESIDENTIAL MEMORIAL CERTIFICATES - This certificate is issued when there is verification of the veteran's military service and a notice of death. A next of kin, relative or friend upon request may be authorized a certificate. An authorized service organization representative acting on behalf of a relative or friend of the deceased veteran is also eligible to receive a certificate. More than one certificate may be issued if specifically requested by the veteran's survivors.

FLAGS - VA will furnish a burial flag for a:

- veteran who
 - served during wartime, including during the Mexican border period
 - died while on active duty after May 27, 1941, or
 - served after January 31, 1955

Note: For the purpose of eligibility for a burial flag, the term "Mexican border period" means active military, naval, or air service in Mexico, on the borders thereof, or in the waters adjacent thereto, during the period beginning on January 1, 1911, and ending on April 5, 1917.

- peacetime veteran who was discharged or released before June 27, 1950
 - after serving at least one enlistment, or
 - for disability incurred or aggravated in line of duty
- person who
 - served in the organized military forces of the Commonwealth of the Philippines while in the service of the U.S. Armed Forces under the military order of the President dated July 26, 1941, and
 - died on or after April 25, 1951, or

Note: Eligibility for each of the above applies for all discharges other than dishonorable.

- member or former member of the Selected Reserve who would not otherwise be eligible under any of the above categories, who
 - served at least one enlistment or, in the case of an officer, the period of initial obligation, or
 - was discharged for disability incurred or aggravated in line of duty, or
 - died while a member of the Selected Reserve.

Note: Eligibility under this last category does not apply if the last discharge from service was under conditions less favorable than honorable.

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A flag may be issued to the next of kin or close friend or associate of the deceased veteran. When a flag is actually used to drape the casket of a deceased veteran, it must be delivered to the next of kin following interment. *Next of Kin* includes:

Surviving spouse
Children, in order of age
Parents
Brothers or sisters
Uncles or aunts
Nephews or nieces, and
Others, such as cousins or grandparents

When the flag is not claimed by the next of kin, it may be given, upon request, to a close friend or associate of the deceased veteran. VA offices, other VA installations, U.S. post offices, hospitals and sanitariums under contract with VA and Federally-aided State veterans' homes may issue burial flags.

GOVERNMENT HEADSTONES AND MARKERS - To be eligible for memorialization by a Government headstone or marker, a veteran must be:

- buried in a national, State-owned, or post cemetery, or
- eligible for burial in a national cemetery but not buried there, provided the veteran
 - meets the length of service requirements as established by Public Law 96-342, or
 - died while on active military, naval, or air service, or
 - was a member of the Reserve Officer Training Corps of the Army, Navy, or Air Force, whose death occurred while attending or on authorized travel to a training camp or practice cruise, or while hospitalized or undergoing treatment at the expense of the United States for injury or disease incurred during an authorized training camp or practice cruise
 - was a member of the Reserve component of the Armed Forces or the Army National Guard, whose death occurred while hospitalized or undergoing treatment at the expense of the United States for injury or disease contracted or incurred under honorable conditions while performing active duty for training or inactive duty training
 - was a member of specifically designated groups recognized as veterans as a result of 1977 legislation allowing the Department of Defense to grant military discharges for certain wartime service previously considered civilian, or
 - was a soldier of the Union and Confederate Armies of the Civil War.

A claim for a standard government headstone or marker for installation in a private or local cemetery is made on *VA Form 40-1330, Application for Standard Government Monument*. Refer requests for a government headstone or marker to the following address:

National Cemetery Administration (403)
VA Central Office
Washington, DC 20420

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BURIAL IN A NATIONAL CEMETERY - Directors of national cemeteries are responsible for determining a deceased veteran's eligibility for burial in a national cemetery. To be eligible for interment in a VA national cemetery, the former service member must have been discharged or released under conditions other than dishonorable.

Burial in a VA national cemetery is provided on a space available basis. Generally, deceased veterans discharged under conditions other than dishonorable and service members who die while on active duty are eligible. Under certain circumstances, spouses and qualified dependent children of active duty military personnel and eligible veterans may also be buried in a VA national cemetery. Gravesites in national cemeteries may not be reserved.

VA Form 21-530, Application for Burial Benefits

An application for Burial Benefits (VA Form 21-530) is a claim for:

- service-connected (SC) burial allowance
- nonservice-connected (NSC) burial allowance
- transportation allowance and
- plot-interment allowance

BURIAL includes all various recognized methods of disposing of the remains of the deceased. A **cremation** is a burial, regardless of what is done with the ashes. A **burial at sea** occurs when the deceased veteran's body is committed to the sea. A **medical school donation** is considered a recognized method of disposing of remains if the deceased veteran's body is turned over to a medical school for scientific purposes.

The rating activity must grant service connection for cause of death either on a direct or contributory basis to meet the eligibility criteria for the SC death burial allowance. The NSC death burial allowance is payable if the veteran had other than dishonorable discharge and

- was in receipt of pension or compensation at the time of death, or
- was receiving military retired pay instead in lieu of compensation at the time of death, or
- had a claim pending at the time of death and has been found entitled to benefits from a date prior to death, or
- died while hospitalized by the VA, or
- died while receiving care under VA contract, or
- died while traveling under proper authorization and at VA expense, or
- died while a patient at an approved State nursing home

TRANSPORTATION - VA may authorize the cost of transporting the veteran's body to the place of burial if the veteran's death (service-connected or nonservice-connected) occurred while

- en route for VA authorized examination, treatment, or care, or

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- properly hospitalized at a medical center, domiciliary, or nursing home under the direct jurisdiction of VA, or
- receiving nursing home care authorized under [38 U.S.C. 1720](#) in a non-VA facility, or
- a patient at an approved State nursing home ([section 212 of PL 104-275](#)) and death occurred on or after October 9, 1996, or
- burial is in a national cemetery.

PLOT - Plot is the final resting place of the remains (grave, mausoleum, vault columbarium niche, or other site). Plot allowance is NOT payable if burial is in a national cemetery or other cemetery under the jurisdiction of the United States or in a State-owned cemetery.

Instructions for completing Application for Burial Benefits should be consulted if you have any questions. It informs you who should file a claim, the time limit for filing and what must accompany the claim. *Part I* should be completed in all claim. *Part II* must be completed to claim burial and interment allowance paid by the claimant. *Part III* is to be completed if a claim is made ONLY for the plot allowance. The VA Form 21-530 must be fully completed to claim transportation allowance. The application must contain the signature of the claimant and contain the signature of the individual who authorized the services, if the claimant provided the services.

What to attach with application. Verification of the veteran's military service is necessary, as is proof of death. A statement of account on the funeral director's letterhead must accompany the claim. It must show the name of the veteran, nature and cost of services, including payments made to another funeral home, all credits and the name of the person(s) by whom payment in whole or part was made.

Payment of the burial and plot allowance. In many cases, the funeral director will file the burial and plot allowance claim; they will deduct the anticipated burial allowance from the amount due on the funeral bill and claim the burial and plot allowance. If the expenses of the funeral and plot have not been paid by the veteran's survivors, the funeral director is the proper claimant for any amount due but not paid. In these cases, the VA will pay the burial allowance directly to the funeral director. Even so, the veteran's survivors who authorized the burial will sign the VA form 21-530. If the veteran's survivor paid the funeral bill in full, they would be the proper claimant, and they would need a receipted copy of the funeral bill showing it was paid in full.

**VA Form 21-534, Application for Dependency and Indemnity
Compensation, Death Pension and Accrued Benefits by a Surviving
Spouse or Child**

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VA Form 21-534 dated June 2005, is used to apply for service-connected and non-service-connected death benefits, and to apply for any money the VA owes the veteran but did not pay prior to death (accrued benefits). If an application is made for one of these benefits, the law requires we also consider the others. This application form comes with instructions. There is a SSA-24 (pages 9 and 10) attached to this VA Form that the client can apply for Social Security benefits, if they want. If you do not know the answer to a question, write “unknown.”

The form has multiple parts. You should complete each part of the form that is appropriate to the benefit(s) being claimed. If the client is only claiming DIC (service-connected death benefits) and does not wish to be considered for death pension (nonservice-connected death benefits), put “N/A” or some other entry in Part VII, and VIII. Net worth, income of deductible expenses for a surviving spouse and/or children is not a factor in determining eligibility for service-connected death benefit (DIC).

Death Pension (nonservice-connected) may be payable when the death of a veteran with wartime service is not due to service, provided income and net worth is within the applicable limit. The rate of pension paid depends upon the amount of family income and the number of dependent children, according to a formula provided by law. A higher rate of benefits is payable to a surviving spouse who is a patient in a nursing home or otherwise determined to be in need of regular aid and attendance or who is permanently housebound due to disability.

Part I, Benefit Information. What applicant is applying for and what the applicant and the deceased veteran have applied for.

Part II, Identity information. Information about who the applicant is and the deceased veteran.

Part III, Service Information. Tell us about the veteran's active duty service.

Part IV, Marital History. Tell us about the applicant's and the veteran's marital history.

Part V, Veteran's Children. Tell us about the unmarried children of the veteran.

Part VI, Special Monthly Pension. Tell us if applicant is house bound, in a nursing home or requires aid and attendance.

Part VII, Net Worth.

Tell us the net worth of the applicant and their dependents

Part VIII, Income.

Tell us about the income of the applicant and their dependents

Part IX, Unreimbursed Expenses. Tell us about medical, last illness, burial or other unreimbursed expenses

Part X, Direct Deposit Information. Give us direct deposit information for the applicant

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Part XI, Signature. Give us applicants signature **BE SURE THE APPLICANT/CLAIMANT SIGNS THE FORM.** If the signature of the claimant is made by an “X”, it must be witnessed by two persons.

Part XII, Remarks. Use this space for any additional statements that applicant would like to make concerning application

WHAT TO ATTACH WITH THE APPLICATION

In all death claims, the following evidence is needed:

- Certified copy of the death certificate of veteran showing the cause of death.
- Proof of that veteran had honorable service.
- Evidence to show that the surviving spouse, child or parent were dependents of the veteran at the time of death. In the case of a surviving spouse, it must be shown that he/she was married to the veteran at the time of the veteran’s death and that they lived together continuously from marriage to the veteran’s death. Children must have been members of the veteran’s household or the veteran’s natural child. Parents must have been natural parents of the veteran or acted as a parent for at least one year immediately prior to the veteran’s entry into service. Only one parent in each parental line (father/mother) can be recognized.

In order for a claim for DIC to be successful, there must be evidence that:

- The death was incurred, or that the death resulted from a disability incurred or aggravated, in line of duty, in active military service.
- A parent’s income and net worth is shown fully and accurately.

Note: DIC payable under 38 U.S.C. 1318 to survivors of veterans whose deaths were not service-connected but were continuously rated totally disabled due to service-connected disabilities for 10 years or more immediately preceding the veteran’s death, or 5 years from the date of veteran’s discharge, will be determined by the VA Rating Activity.

In order for a claim for Death Pension to be successful, there must be evidence that:

- The veteran had wartime service.
- A surviving spouse’s and/or child’s net worth and income are shown fully and accurately on the application.

PROVIDE THE NECESSARY INFORMATION (OR PROOF) IF NOT OF RECORD

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WHEN THE APPLICATION IS COMPLETE, IT IS ALMOST ALWAYS IN THE CLAIMANT'S BEST INTEREST TO GET THE CLAIM TO THE VETERAN'S ADMINISTRATION AS SOON AS YOU CAN TO PROTECT THE EFFECTIVE DATE OF THE CLAIM.

THE SERVICE OFFICER'S ROLE IN PREPARING DEATH CLAIM APPLICATIONS

During a time of sorrow, applying for death benefits may be overwhelming for survivors. A service officer can make the task easier for the survivor to deal with if you can guide them through the process.

- First, put the client at ease. Begin by talking with the client and understanding where they are in the process and what they hope to get from the VA. Many survivors do not know what is available to them.
- Assist the client with the completion of the form. Discuss what evidence they have to submit to help their claim. Where income, net worth and expenses are required, it is especially important that these questions be answered accurately and fully to avoid overpayment or underpayment of benefits.
- Discuss what the client should expect from the process from here, and remind them that you are there for support, if needed. Remind them that they should respond to any request they receive from the VA for evidence. If they have any questions about any letters they receive from the VA, they should come to you.